

I certify that the attached is a true and correct copy of the document which was filed of record in the Chief Clerk's Office and referred to the committee on:

Licensing & Administrative Procedures

Cynthia Gerhardt
Chief Clerk of the House

95 FEB 10 PM 1:50
HOUSE OF REPRESENTATIVES

FILED JAN 25 1995
H.B. No. 801

By CARONA

A BILL TO BE ENTITLED

AN ACT

relating to persons who may inspect certain air conditioning systems as part of a real estate inspection.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 23(c), The Real Estate License Act (Article 6573a, Vernon's Texas Civil Statutes), is amended by adding Subdivision (4) to read as follows:

(4) In addition to the license requirements imposed under Subdivisions (1)-(3) of this subsection, a business entity that inspects an environmental air conditioning system, commercial refrigeration system, or process cooling or heating system as part of a real estate inspection conducted under this Act must employ a person who holds the appropriate air conditioning and refrigeration contractor licenses and endorsements under the Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes). An employee who does not hold a license or endorsement under the Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes) may perform the inspection under the direction of the license holder. For purposes of this subdivision, the terms "environmental air conditioning," "commercial refrigeration," and "process cooling or heating" have the meanings assigned by Section 2, Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes).

SECTION 2. This Act takes effect September 1, 1995, and applies only to a real estate inspection that is conducted on or after that date. A real estate inspection conducted before that date is governed by the law in effect on the date that the inspection occurs, and the former law is continued in effect for that purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

COAUTHOR AUTHORIZATION-74TH LEGISLATURE

(please request your coauthors to sign this form
in lieu of the front or the back of the original bill)

For chief clerk use only

Bill or Resolution Number: HB 801

John Carona
signature of primary author

JOHN CARONA
printed name of primary author

1/26/95
Date

PERMISSION TO SIGN HB 801 HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)



ALL REPRESENTATIVES

THE FOLLOWING REPRESENTATIVE(S): _____

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

<u>A2120 Alexander</u>	<u> </u> Date	<u>A2115 Allen</u>	<u> </u> Date	<u>A2125 Alonzo</u>	<u> </u> Date
<u>A2105 Alvarado</u>	<u> </u> Date	<u>A2135 Averitt</u>	<u> </u> Date	<u>A2160 Bailey</u>	<u> </u> Date
<u>A2200 Berlanga</u>	<u> </u> Date	<u>A2240 Black</u>	<u> </u> Date	<u>A2270 Bomer</u>	<u> </u> Date
<u>A2275 Bosse</u>	<u> </u> Date	<u>A2265 Brady</u>	<u> </u> Date	<u>A2260 Brimer</u>	<u> </u> Date
<u>A2405 Carona</u>	<u> </u> Date	<u>A2400 Carter</u>	<u> </u> Date	<u>A2480 Chisum</u>	<u> </u> Date
<u>A2530 Clemons</u>	<u> </u> Date	<u>A2435 Coleman</u>	<u> </u> Date	<u>A2575 Combs</u>	<u> </u> Date
<u>A2580 Conley</u>	<u> </u> Date	<u>A2570 Cook</u>	<u> </u> Date	<u>A2595 Corte</u>	<u> </u> Date
<u>A2600 Counts</u>	<u> </u> Date	<u>A2605 Crabb</u>	<u> </u> Date	<u>A2610 Craddick</u>	<u> </u> Date
<u>A2645 Cuellar, Henry</u>	<u> </u> Date	<u>A2646 Cuellar, Renato</u>	<u> </u> Date	<u>A2635 Culberson</u>	<u> </u> Date
<u>A2670 Danburg</u>	<u> </u> Date	<u>A2675 Davila</u>	<u> </u> Date	<u>A2625 Davis</u>	<u> </u> Date
<u>A2630 De La Garza</u>	<u> </u> Date	<u>A2685 Dear</u>	<u> </u> Date	<u>A2680 Delisi</u>	<u> </u> Date
<u>A3385 Denny</u>	<u> </u> Date	<u>A2705 Driver</u>	<u> </u> Date	<u>A2665 Dukes</u>	<u> </u> Date
<u>A2655 Duncan</u>	<u> </u> Date	<u>A2650 Dutton</u>	<u> </u> Date	<u>A2770 Edwards</u>	<u> </u> Date
<u>A2760 Ehrhardt</u>	<u> </u> Date	<u>A2775 Eiland</u>	<u> </u> Date	<u>A2785 Elkins</u>	<u> </u> Date
<u>A2810 Farrar</u>	<u> </u> Date	<u>A2830 Finnell</u>	<u> </u> Date	<u>A2920 Gallego</u>	<u> </u> Date
<u>A2935 Giddings</u>	<u> </u> Date	<u>A2880 Glaze</u>	<u> </u> Date	<u>A2985 Goodman</u>	<u> </u> Date
<u>A2990 Goolsby</u>	<u> </u> Date	<u>A3005 Gray</u>	<u> </u> Date	<u>A3010 Greenberg</u>	<u> </u> Date
<u>A3020 Grusendorf</u>	<u> </u> Date	<u>A3030 Gutierrez</u>	<u> </u> Date	<u>A3035 Haggerty</u>	<u> </u> Date
<u>A2695 Hamric</u>	<u> </u> Date	<u>A3120 Harris</u>	<u> </u> Date	<u>A3170 Hartnett</u>	<u> </u> Date
<u>A3345 Hawley</u>	<u> </u> Date	<u>A3180 Heflin</u>	<u> </u> Date	<u>A3230 Hernandez</u>	<u> </u> Date
<u>A3240 Hightower</u>	<u> </u> Date	<u>A3310 Hilbert</u>	<u> </u> Date	<u>A3250 Hilderbran</u>	<u> </u> Date

For chief clerk use only

Bill or Resolution Number: HB 801

A3275 Hill	Date	A3285 Hirschi	Date	A3305 Hochberg	Date
A3295 Holzheuser	Date	A3300 Horn	Date	A3315 Howard	Date
A3350 Hudson	Date	A3355 Hunter, Bob	Date	A3365 Hunter, Todd	Date
A3380 Jackson	Date	A3415 Janek	Date	A3395 Johnson	Date
A3405 Jones, Delwin	Date	A3400 Jones, Jesse	Date	A3440 Junell	Date
A3460 Kamel	Date	A3465 King	Date	A3485 Krusee	Date
A3490 Kubiak	Date	A3450 Kuempel	Date	A3510 Laney	Date
A3605 Lewis, Glenn	Date	A3600 Lewis, Ron		A3615 Longoria	Date
A3620 Luna	Date	A3715 Madden	Date	A3750 Marchant	Date
A2700 Maxey	Date	A3665 McCall	Date	A3670 McCoulskey	Date
A3660 McDonald	Date	A3850 Moffat	Date	A3860 Moreno	Date
A3865 Mowery	Date	A3855 Munoz	Date	A3885 Naishtat	Date
A3895 Nixon	Date	A3875 Oakley	Date	A3990 Ogden	Date
A3880 Oliveira	Date	A4020 Park	Date	A4070 Patterson	Date
A4180 Pickett	Date	A4185 Pitts	Date	A4110 Place	Date
A4190 Price	Date	A4200 Puente	Date	A4230 Rabuck	Date
A4210 Ramsay	Date	A4240 Rangel	Date	A4235 Raymond	Date
A4236 Reyna	Date	A4260 Rhodes	Date	A4315 Rodriguez	Date
A4325 Romo	Date	A4305 Rusling	Date	A4370 Sadler	Date
A4380 Saunders	Date	A4425 Seidlits	Date	A4460 Serna	Date
A4435 Shields	Date	A4445 Siebert	Date	A4530 Smithee	Date
A4550 Solis	Date	A4505 Solomons	Date	A4510 Stiles	Date
A4570 Swinford	Date	A4585 Talton	Date	A4605 Telford	Date
A4630 Thompson	Date	A4635 Tillery	Date	A4640 Torres	Date
A2730 Turner, Bob	Date	A4685 Turner, Sylvester	Date	A4690 Uher	Date
A4720 Van de Putte	Date	A4990 Walker	Date	A4995 West	Date
A5010 Williamson	Date	A4970 Willis	Date	A5000 Wilson	Date
A5015 Wohlgemuth	Date	A4980 Wolens	Date	A5005 Woolley	Date
A5025 Yarbrough	Date	A5030 Yost	Date	A5040 Zbranek	Date

HOUSE COMMITTEE REPORT

1st Printing

By Carona

H.B. No. 801

Substitute the following for H.B. No. 801:

By Goolsby

C.S.H.B. No. 801

A BILL TO BE ENTITLED

AN ACT

relating to persons who may inspect certain air conditioning systems as part of a real estate inspection.

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1 to the refrigerant system.

2 SECTION 2. This Act takes effect September 1, 1995, and
3 applies only to a real estate inspection that is conducted on or
4 after that date. A real estate inspection conducted before that
5 date is governed by the law in effect on the date that the
6 inspection occurs, and the former law is continued in effect for
7 that purpose.

8 SECTION 3. The importance of this legislation and the
9 crowded condition of the calendars in both houses create an
10 emergency and an imperative public necessity that the
11 constitutional rule requiring bills to be read on three several
12 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Pete Laney
Speaker of the House of Representatives

4-11-95
(date)

Sir:

We, your COMMITTEE ON LICENSING AND ADMINISTRATIVE PROCEDURES

to whom was referred HB 801 have had the same under consideration and beg to report back with the recommendation that it

- () do pass, without amendment.
- () do pass, with amendment(s).
- (X) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- (X) yes () no A fiscal note was requested.
- () yes (X) no A criminal justice policy impact statement was requested.
- () yes (X) no An equalized educational funding impact statement was requested.
- () yes (X) no An actuarial analysis was requested.
- () yes (X) no A water development policy impact statement was requested.
- () The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors _____ / _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Wilson, Ch.	X			
Kubiak, V.C.	X			
Brimer				X
Dear				X
Goolsby	X			
Jones, D.				X
Pickett	X			
Torres	X			
Yarbrough	X			

Total 6 aye
 0 nay
 0 present, not voting
 3 absent


CHAIRMAN

BILL ANALYSIS

Licensing & Administrative Procedures Committee
C.S.H.B. 801
By: Carona
4-11-95
Committee Report (Substituted)

BACKGROUND

Section 23(c) of The Real Estate License Act (Article 6573a, V.T.C.S.) relates to persons who may conduct real estate inspections. Under present law, there are no specific requirements regarding the qualifications of a person who inspects air conditioning systems as part of a real estate inspection.

PURPOSE

C.S.H.B. 801 would require a business entity that inspects air conditioning equipment in a residential or commercial property as part of a real estate inspection to employ a person who is licensed as an air conditioning and refrigeration contractor and provides that an employee who does not hold an air conditioning and refrigeration contractor license may perform the inspection under the direction of the license holder.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 23(c), The Real Estate License Act (Article 6573a, V.T.C.S.), by adding Subdivision (4). Requires a business entity that inspects an environmental air conditioning system, commercial refrigeration system, or process cooling or heating system (as defined in Section 2 of the Air Conditioning and Refrigeration Contractor License Law (Article 8861, V.T.C.S.) as part of a real estate inspection to employ a person who holds the appropriate air conditioning and refrigeration contractor licenses and endorsements under the Air Conditioning and Refrigeration Contractor License Law. An employee who does not hold a license or endorsement under the Air Conditioning and Refrigeration Contractor License Law may perform the inspection under the direction of the license holder. Also adds new definition of "inspection" of systems.

SECTION 2. Effective date: September 1, 1995. Change in law applicable to inspections conducted on or after effective date.

SECTION 3. Emergency clause.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The Committee Substitute for HB 801 includes a specific definition of "inspection of environmental air conditioning, commercial refrigeration, and process cooling and heating equipment" and deletes reference contained in the original to these terms having the meanings assigned by Section 2, Air Conditioning and Refrigeration Contractor License Law.

H.B. No. 801

By CARONA

**A BILL TO BE ENTITLED
AN ACT**

Relating to persons who may inspect certain air conditioning systems as part of a real estate inspection.

JAN 25 1995

Filed with the Chief Clerk

FEB 2 1995

Read first time and referred to Committee on

Licensing + Administrative
Procedures

4-11-95

Reported favorably (~~unfavorably~~)
(as substituted)

APR 20 1995

Sent to Committee on (Calendars)

(~~Consent Calendars~~)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Engrossed

Sent to Senate

OTHER HOUSE ACTION:

CHIEF CLERK OF THE HOUSE

Received from the House

Read and referred to Committee on _____

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ yeas, _____ nays)

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ yeas, _____ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of _____ yeas, _____ nays

Read third time, _____, and passed by (a viva voce vote)
(_____ yeas, _____ nays)

Returned to the House

OTHER SENATE ACTION:

SECRETARY OF THE SENATE

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

CONFERENCE COMMITTEE REPORT
ADOPTED (REJECTED) BY THE SENATE
BY A (VIVA VOCE VOTE)
(RECORD VOTE OF _____ YEAS,
_____ NAYS)